

MINUTES OF THE CITY COUNCIL  
CITY OF AUSTIN, TEXAS  
Special Called Emergency Meeting

December 4, 1981  
3:00 P.M.

Council Chambers  
301 West Second Street

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The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmember Duncan

Absent: Councilmembers Goodman, Deuser, Mayor Pro Tem Trevino,  
Councilmembers Urdy, Mullen

Councilmembers Deuser and Goodman entered the Council Chamber at 3:15 p.m. Mayor Pro Tem Trevino, Councilmembers Urdy and Mullen entered the Council Chamber at 4:30 p.m.

MINUTES APPROVED

Councilmember Duncan moved that the Council approve the Minutes for Special Meetings of October 12, 1981, October 31, 1981, and Regular Meetings of October 28 and 29, 1981; November 4 and 5, 1981; November 12, 1981 and November 18 and 19, 1981. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mayor McClellan

Noes: None

Absent: Mayor Pro Tem Trevino, Councilmembers Urdy, Mullen

## PACKAGE TREATMENT PLANT POLICY

Dr. Maureen Mc Reynolds, Director, Environmental Resource Management, presented the City Manager Report on Implementation of Package Treatment Plant Policy as follows: "There are presently many wastewater treatment plants within the ETJ. Staff is currently reviewing applications that are pending before the Department of Water Resources for an additional plant expansion at the Country Air Mobile Home Park and a new plant Comanche Peak on Lake Travis. Approximately two years ago the City Council adopted a Package Treatment Plant Policy which outlines review and monitoring guidelines for staff implementation. This report today addresses the effectiveness of the implementation of that policy and particularly the monitoring aspect of the policy. The two parts of the policy are review which is initiated by the staff. Numerous applications have been received and comments have been forwarded to the Department of Water Resources. Several of the plants that have been reviewed have been located in sensitive water sheds of Lake Travis and in the Edwards Aquifer area. Some of the permits have been modified in response to the staff's comment. However, the ultimate responsibility for the content of the permit is that of the State. The second part deals with the monitoring of existing plants and some aspects of this monitoring program. The State has a program involving one annual inspection per year. However, monthly self reporting data is filed by permit holders with the State. None discharge permits, of which we have several, are exempt from self reporting." She referred then to the report, which is on file in the City Clerk's Office. Dr. McReynolds pointed out there have been numerous problems with non-discharging package plants. These problems range from non-compliant effluent discharges to hydraulically overloaded systems. Many problems may have been minimized if regular inspection and monitoring programs were implemented. The inspections could aid in determining actual plant capacity and operational conditions before serious problems exist. A review of the Package Plant Policy and the implementation of such a policy is needed. Mrs. McReynolds said the Environmental Board has reviewed the report and has reaffirmed the policy and recommends full implementation. Council advised Dr. McReynolds to proceed with the contents of the report.

ORDINANCE AMENDMENT

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 800925-JJ, PART 1; SETTING A SCHEDULE OF FEES FOR A WATER AND WASTEWATER DEPARTMENT ENGINEERING REVIEW AND CONSTRUCTION INSPECTION OF SUBDIVISION WATER AND WASTEWATER CONSTRUCTION WITHIN THE SERVICE AREA OF THE CITY OF AUSTIN'S WATER AND WASTEWATER SYSTEM; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Duncan, Goodman, Mullen, Mayor McClellan,  
Councilmember Deuser

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino,  
Urdu

The Mayor announced that the ordinance had been finally passed.

LIMITED PURPOSE ANNEXATION  
WEST LAKE HILLS

Mayor McClellan brought up the following for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY FOR THE LIMITED PURPOSES OF "PLANNING AND ZONING" AND "HEALTH AND SANITATION;" SUCH TERRITORY CONSISTING OF 7.23 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE DAVID THOMAS SURVEY AND THE WILKENSON SPARKS SURVEY IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN; PROVIDING A SERVICE PLAN; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the first time and Councilmember Goodman moved that the ordinance be passed to its second reading. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Goodman, Mullen, Mayor McClellan, Mayor Pro  
Tem Trevino, Councilmembers Deuser, Duncan

Noes: None

Not in Council Chamber when roll was called: Councilmember Urdu

The Mayor announced that the ordinance had been passed through its first reading only.

Prior to the vote Mr. Jim Nias, Assistant City Attorney, stated, "I've Had conversations with Rob Lippman who is the attorney representing the Los Altos people in previous proceedings. They have had some homeowners meetings out there and they have begun to go away from the idea of joining West Lake Hills. The reason for possibly considering being a part of West Lake Hills is they thought they might get better police and fire service. They have learned that the West Lake Hills Police Department basically shuts down at 11 p.m. and will have to call the Travis County Sherriff's Department anyway. They have begun to perceive they probably would not get that much better service and would incur a heavier tax burden and ahile they are still undecided they appear to be moving away from the idea of going with West Lake Hills."

#### IEWS OF THE CAPITAL

Mayor McClellan brought up the following ordinance for its second reading:

AN INTERIM ORDINANCE CREATING A PUBLIC REVIEW PROCESS AS A PREREQUISITE TO ISSUING A BUILDING PERMIT IN THE DOWNTOWN AREA FOR ANY STRUCTURE WHICH WILL EXCEED SIXTY FEET IN HEIGHT; DEFINING THE DOWNTOWN AREA; REQUESTING A STUDY BY THE DOWNTOWN TASK FORCE FOR ITS RECOMMENDATION OF DEFINITE CRITERIA FOR A PERMANENT REVIEW PROCESS; DECLARING AN EMERGENCY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

The ordinance was read the second time and Councilmember Goodman moved that the Council waive the requirement for third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Urdy

The Mayor announced that the ordinance had been finally passed.

Prior to passage Council discussed several points in the ordinance and amended the ordinance which was passed on first reading December 3, 1981.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

NORTH 84 FEET AVERAGE OF LOT 41, OUTLOT 55 AND NORTH 73.5 FEET OF LOTS 39 AND 40, OUTLOT 50, DIVISION B, LOCALLY KNOWN AS 1180 NAVASOTA STREET, 1101 AMBER STREET, ALSO BOUNDED BY WALLER STREET, FROM "A" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Ernest Mae Miller, et al, C14-81-220)

Councilmember Deuser moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Urdy

The Mayor announced that the ordinance had been finally passed

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Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 23.3618 ACRES TRACT OF LAND, LOCALLY KNOWN AS NEELY DRIVE AND SPICEWOOD SPRINGS ROAD, FROM INTERIM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "A-2" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Hughes, Boatright, Adams, Williams, Neely, Law, Coopwood & Crow & Associates, C14-80-055)

Councilmember Deuser moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman, Mullen, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Urdy

## ZONING HEARING

Mayor McClellan opened the public hearing on the following zoning application. Pursuant to published notice thereof, the following zoning was publicly heard:

REFUGIO & MICKIE  
ACUNA, JR.  
C14-81-181

5807 Woodrow

From "A" Residence  
1st Height and Area  
To "B" Residence District  
1st Height and Area  
RECOMMENDED by the Planning  
Commission (as amended)

Councilmember Deuser moved that the Council close the public hearing and grant "B" Residence, 1st Height and Area District, as amended, as recommended by the Planning Commission, with one foot of "A" Residence, 1st Height and Area District on the south side of the property. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Urdy

The Mayor announced that the change had been granted to "B" Residence, 1st Height and Area District, as amended, with one foot of "A" Residence, 1st Height and Area District on the south side of the property, and the City Attorney had the following ordinance ready to cover.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOT 16, SAVE AND EXCEPT THE SOUTH ONE FOOT, WILDER ADDITION, LOCALLY KNOWN AS 5807 WOODROW AVENUE, FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (C14-81-181)

Councilmember Deuser moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Mayor Pro Tem Trevino, carried by the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Mullen, Mayor McClellan,  
Mayor Pro Tem Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Urdy

The Mayor announced that the ordinance had been finally passed.

## CIP SCHEDULE

Council had before it for consideration a resolution approving a schedule for development of a Captial Improvements Bond Program.

Mayor McClellan said she thinks it should be done in August. Ms. Lee Thomson, Budget Director, pointed out the advantages and disadvantages of the proposed dates of April 24 and August 7. After some discussion it was agreed to put this resolution back on the December 9, 1981 Council Meeting agenda.

TRAVIS COUNTY APPRAISAL DISTRICT  
APPOINTMENT

Councilmember Mullen moved that the Council adopt a resolution appointing Bronson Dorsey as a City of Austin member to the Board of Directors of the Travis County Appraisal District. The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Councilmembers Duncan, Mullen, Mayor McClellan, Mayor Pro Tem Trevino, Councilmember Deuser.  
Noes: None  
Not in Council Chamber when roll was called: Councilmembers Urdy, Goodman

## PUBLIC COUNCIL FOR PURPA HEARINGS

Councilmember Deuser moved that the Council adopt a resolution appointing Steve Gardner to serve as Public Council during the PURPA hearings. The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Mayor Pro Tem Trevino, Councilmembers Deuser, Duncan, Goodman  
Noes: Councilmember Mullen, Mayor McClellan  
Not in Council Chamber when roll was called: Councilmember Urdy

Prior to the vote, Mayor McClellan stated for the record: "Don Butler had to resign because of a conflict and I voted even against his appointment in this spot because I think the reason we're having to do this is to justify Proposal 7 which I continue to strongly disagree with. I feel it is unduly discriminatory, it flies in the face of all sound utility rate making and I'm going to vote no."

Councilmember Deuser said, "The need for public council is mandated by this Council's adoption of the procedures for the PURPA hearing in Austin, Texas and maybe Mr. Don Butler leaving to head up another legal aspect does have something to do with Proposal 7 but we do have a mandated requirement to have this position so I appeal to you, Mayor, to lay that aside and vote for the person who is highly qualified and is recommended by Don Butler."

Mayor McClellan said, "I'll make my second speech and I think the reason we are doing this at this time is because this Council did not like the testimony that was previously on the books there and wanted to make sure it was built up to justify Proposal 7 and I will continue to oppose it."

Councilmember Deuser made his second rebuttal by saying, "This individual does not testify on Proposal 7. He provided information to the public and represents those people that need to be represented. That was exactly the position that Mr. Don Butler was filling. He is not an expert witness on Proposal 7. That's another individual which this Council previously approved."

#### ITEM TO BE BROUGHT BACK

Council agreed to bring back for consideration on December 18, 1981 a resolution to consider setting a public hearing relating to Tax Increment Financing Zone (s).

#### UTILITY SYSTEM REFUNDING REVENUE BONDS DISCUSSED

Council had before it a resolution to authorize the City Manager to execute a Memorandum Agreement between the City of Austin and Dillon, Read & Co., Inc. relating to the issuance of "City of Austin, Texas, Utility System Refunding Revenue Bonds, Series 1982".

Mr. Phil Scheps, Director of Finance, told Council, "We've discussed this over the past few weeks and I think we are prepared to recommend we take action to go forward on this or answer any questions you have." Mayor McClellan asked, "How do we finance this? Can this be financed now?" Mr. Scheps told her, "Yes, the way refunding works, refunding bonds in the amount of \$550,000,000 will be issued. The proceeds of that refunding issue will be placed in escrow and will in essence wipe off the \$900-million in debt we have. The City's only debt at that point will be the \$555-million refunding revenue bond. There are always marketing problems with any large issue but that is something we do believe can be done and would not be done if it couldn't be done...obviously."

Councilmember Mullen asked if Dillon & Read has handled a bond issue of this magnitude before. Mr. Mullen said that since the refunding has his support he wants to get all issues into the open. Mr. Pearce, Dillon & Read, said they handled an issue of \$900,000,000 for the New York Power Authority, about five years ago. Councilmember Mullen said, "The thing I hear about you on the street is some concern about you, if you want to be very blunt. I understand you came from First Southwest and went to Dillon & Read, and now, without any discussion you walk back in with a package and that does create some problems as far as perception of the public. I think Mr. Scheps may need to think about opening this up for review and having some others discuss it. I understand you are not even in the top 20. In reviewing this I got names of other firms who did not even approach me.... who maybe do more of this than you do, but we havn't even approached them for figures about how much it is going to cost." Mr. Pearce said their co-manager is Smith-Barney-Harris-Upham & Company.

Discussion followed concerning the fee, the fact that bids have not been requested, etc. Mr. Curlee, First Southwest, said he feels the fee is extremely low. He said there are some time constraints to be considered and other facets. Mr. Nicholas Meiszer, City Manager, said he feels uncomfortable with the proposal and has tried to get some answers to his questions. He feels the urgency to do this is not that important and the Council should be in a position to be better informed. Mayor McClellan said she wants more time to study the issue. Councilmember Mullen suggested Mr. Scheps call the top ten companies to come in next week with a ten minute presentation, or send RFP's.

#### Motion

Councilmember Goodman moved that the Council bring this back on the December 9-10 Agenda. The motion, seconded by Councilmember Duncan, carried by unanimous consent.

#### ATS

Council had before them for consideration a resolution to consider appointment to the Austin Transportation Study Policy Advisory Committee.

Councilmember Duncan stated, "As this community is well aware, a major vote on the future of Austin's transportation system is coming up before the Austin Transportation Study group on December 8. The City Council has adopted an official policy, that being the Metropolitan Roadway Plan. I believe that policy was adopted by a unanimous vote when it was first proposed, and the Council accepted the recommendations of our numerous boards and commissions and worked on it and adopted it as official policy. I frankly believe that the representatives of the City Council to the Austin Transportation Study should represent that Council policy. They had a situation a couple of weeks ago where one of the current members, representatives to ATS refused to reaffirm the Council policy during that vote. And since December

8 is such a critical vote on the future of Austin's transportation system, I believe it is necessary to insure that Council policy is fully represented on ATS."

Motion

Councilmember Duncan made a motion, seconded by Councilmember Goodman to adopt a resolution to change the Council representation on ATS from Councilmembers Goodman, Duncan and Mullen, to Councilmembers Goodman, Duncan and Urdy.

The following remarks were made for the record:

Mayor McClellan stated, "I shall discuss that at length. The person who you are replacing on there is Councilman Ron Mullen, who has been serving on ATS since he came aboard as Councilmember in 1977. This Council has always respected various members interests in different and various areas. We each have our areas of expertise and those we concentrate in. We don't always agree on all the issues with those who are working in particular areas. I have certainly not always agreed with Councilmember Ron Mullen, but Richard Goodman has also served on ATS since '77. ... And Lee Cooke was the other member before this Council who served on there. Richard was serving on ATS at a time when I would say his position was contrary to what was adopted at the time. The 1969 Roadway Plan that was in effect for some period of time while Councilmember Goodman was serving on the ATS Commission, and though his views were not the majority of the Council or were not consistent with the adopted policy at the time, he continued to serve on ATS." Councilmember Goodman said he thought Mayor McClellan was conducting a distorted argument. Mayor McClellan disagreed.

Mayor McClellan continued, "I say that during that time that ATS was working on precisely the same subject they are working on today and next week, and I have not served on that. I imagine that probably any member can reiterate specific votes better, but I am talking about the principle, and that's what we are talking about here today, the principle, in Austin, Texas. This Council is sending out a loud and clear message that there will be absolutely one-party line in Austin, Texas and we will in fact obliterate any quote, 'loyal opposition'. I think that what we are going about is having no representation whatsoever for those with differing views. I think that is blatant. I think we are once again gutting a significant board..you don't do it with the meaningless ones, but those that are important, you do. This Council is very deliberately going about providing no representation whatsoever for those who happen to disagree with the majority of the Councilmembers.

"I think that somehow my colleagues up here seem to forget that there are six Councilmembers and one Mayor that are elected by all the people and that they in fact feel like, you know, there are certain members that rather than being elected have been anointed, and that they will here-  
tofore speak for all of Austin.

Councilmember Trevino stated, "I would also oppose it. I think, ladies and gentlemen, what we are talking about here is censorship. I have voted with the majority of this Council. I was also a member of ATS back in the old day's of Friedman's Council. I have served on a Council where we were a strong majority, and I have served on a Council where I was always at the losing end, but at least my colleagues always gave me the courtesy to exercise my right to vote my conscience. I probably disagree with Ron more than anybody else on this Council, but I cannot ask him not vote on something. If we allow this to happen, what assurance do we have that it won't happen to me tomorrow?

"In the last Council I served on the Social Policy Advisory Committee, and the last Council was seen as less liberal than this one, and yet I always voiced my opinions when we were talking about human rights, and human services, and even though I knew the Council wasn't going to vote that way during the budget time, they never did censor me for it. And while I may agree with the authors of the motion in one respect, I think to support this resolution would be a violation of something even more sacred. So I cannot, in good conscience, support this motion, and I will not."

Mayor McClellan said, "I want to add one futher comment, and that is, I would add, anyone can go check Councilman Mullen's record in serving on that commission. He has served long and well and has been a very active member. It is the same sort of thing that this Council has participated in previously, and I certainly hope will never happen again, and I hope it won't happen today."

Councilmember Deuser commented on his perceptions on the Roadway Plan as follows: "Before I came on the Council, and since I have been on the City Council, I did not always agree with some of the actions taken by the previous Council, and in the case of the Roadway Plan, and their design for the major roadway thoroughfares in the City of Austin, I did agree and I agreed with a unanimous vote, and I believe it was reaffirmed in the adoption of the yellow report in March or February of 1981, that that was last adopted, and I agreed with it in the standpoint that that made the plan that the City of Austin wanted to communicate through the county and to the State Highway Department that that was the preference of the City of Austin. It was at that time unanimous so therefore there was no question about whether it was representing some special interest group, or whether there was being any unfairness in the position taken by the City of Austin, and at that time it was unanimously confirmed. And since being on the Council, we have made

one minor revision of that which was dictated by a change in downgrading the importance of one thoroughfare which would have used a non-existent bridge, and that's been the only change we have made at this point. And I see no reason at this time to go back and change and I don't know what new evidence has come out that all of a sudden has changed two of the previous Councilmembers who voted for that less than a year ago, to now be twisting over to the other side to say that they are no longer going with what has been the fairly well established policy of the City of Austin's government, and often I hear from Councilmembers about why we shouldn't be quickly changing what we used to say yesterday or what the previous Council adopted. And yet, all of a sudden we are being asked, for whatever reason, these individuals have changed their position on this to now renege on the commitment to the citizens of Austin that this is the Roadway Plan for the City of Austin, and that we, as the governing body will do everything in our power to make sure that that is carried forth to the County and carried forth to the State Highway Department. And therefore, I will vote for the motion. I feel it is appropriate that we carry forth the message that has been dictated by the citizens of Austin through their elected officials."

Councilmember Mullen pointed out, "I think that last comment is particularly interesting when in fact, and this is brought up again, there was an attempt to have this Council hear public input on the Roadway Plan before a final decision was voted on...to have a public hearing...have the citizens again speak on it, because there is some information that I think would have been shared that may have changed some of your minds, which you again chose to stymie that discussion. To say that this is the final plan that the public wants because it was voted on a year ago is really unfair, Larry, because you voted against another public hearing while you were in office, so you could know what the public wants.

"I think it is interesting you all have decided to change the rules in mid-stream...just like starting a football game. It is the third quarter and we are losing the game so I tell you what, boy, we are going to put a basketball in instead of a football...we are going to make the rules different for the team that has the ball. Is it all...every week, it is a new set of rules that Council has got to come out with. And I think it is incredible...forget about the Roadway Plan...forget about MoPac...that's secondary to the discussion of my opinion. What's primary is the fact that we do not have policy, and we have never had a policy and this is unprecedented in City Council to go in and take a person off of a board or commission because the majority disagreed with them. I think Austinites are the most open-minded people around and I don't think they will appreciate it if the shoe is on the other foot if it comes their turn some day. It is not a matter of what's right for Ron Mullen. It is not a matter of what's right for MoPac or Roadway Plan. It is a matter of what's right about the attitude of elected officials.

"There is a theory, if you don't like something somebody is saying, do like logic says, and filter the information that staff puts out because it is not proper, or do like the Council is saying, take them off the boards and commissions if you don't agree with them. And now, take them off the boards and commissions even though they are fellow Councilmembers and censor them so they cannot vote. I find it very unfortunate. I think it is short sighted. I think it sets a precedent that you all won't want to live with."

Councilmember Urdy said, "I think the actions that we are considering are unusual. I think the situation is rather unusual too. I think the actions that are considered, that are going to be considered by the Austin Transportation Study are things that are within the purview of this City, and that board is not made up wholly of members who are part of the City, not elected officials of the City, and I think it is important and we have said it not only on this Council, previous Councils, publicly that in particular they wanted MoPac to be maintained as an inner-City expressway. The transportation problems in that area I have not seen and no one has shown me yet why it cannot be.....by the extension of Loop 360. That's what it was built for as I understand it...a loop around the City, and now I have heard that there is consideration not to complete that loop. I think it is of overriding importance to the City to develop this transportation system, arterials that way that it wants to be done. And I find no other way to accomplish that goal."

Councilmember Mullen said, "You know, Dr. Urdy, of all the people sitting up here, and hearing you talk about discrimination and individual rights and the things that you go through to try and protect those until there is somebody against your views really surprises me. Other people have not said and come across as strongly as you have on those items. You have come across very strongly on those items, and yet when it comes down to the time that something is having to do with you and you politically, you are not ready to stand up and be counted."

Councilmember Duncan stated, "We are talking about an extremely critical vote and we are not talking about our own vote within this body. We are talking about representing this body to the County and to the State. And, I certainly have disagreements with the rest of this Council on various policies, but if I would be in the position of representing this body before other governmental bodies on a vote that was not to my own liking, I would feel a compulsion to either abstain from the vote, resign from the commission or let it be known that I could not represent this body, this body's policy before the other government agencies. And I think it is ironic to talk about changing the rules in the middle of the game. That's what we are trying to do is keep the rules that this Council has adopted." Councilmember Mullen asked "Even though you had no public hearing on it? No public hearing by this Council?"

Councilmember Urdy said, "Let me just say in answer to the issue concerning discrimination. I certainly don't consider it that, and I will say now that on this board, as I am a part of that board, and any other board that I serve on, if there is a directed vote from the Council I will either vote to keep that vote or I will step down, voluntarily."

Councilmember Mullen answered, "I guarantee you one thing, if I ever have the opportunity to treat you the same way, I won't. I will treat you the same way I treated the minority on this Council in the past four years, and I would vote to keep you on it, even if you voted opposition to the way I feel. I think it is extremely unfortunate on the point, not on what we are talking about on the Roadway Plan."

Councilmember Trevino stated, "The remark that one of my colleagues made about the policy of the City Council before the ATS...it makes me wonder if my other two colleagues that sit on the ATS are mute. Because certainly if they take an opposite position than Mr. Mullen, then surely they can say this is the position of the City Council...this is the vote of the majority and even Mr. Mullen may disagree with it, but let him go ahead and vote. But suddenly everybody else in ATS knows what the position of the City Council is, and the way the remark is being made here, I think it is a little misleading to the public that the only one that votes in ATS for the City of Austin is Ron and that's not true."

#### Roll Call on Motion

Roll Call on Motion to change representation on ATS from Councilmembers Goodman, Duncan and Mullen to Councilmembers Goodman, Duncan and Urdy, showed the following vote:

Ayes: Councilmembers Deuser, Duncan, Goodman, Urdy  
Noes: Mayor McClellan, Councilmember Mullen, Mayor Pro Tem Trevino

#### BOARD and COMMISSION APPOINTMENTS

Councilmember Goodman moved that the Council approve the following appointments to the Metropolitan Transit Authority Task Force:

Bill Davidson - nominated by Mayor McClellan  
Gerald Weintraub - nominated by Councilmember Goodman  
David Dobbs - nominated by Councilmember Duncan  
Richard Paul - nominated by Councilmember Deuser  
Channing Jonker - nominated by Councilmember Mullen  
Ike Roberts - nominated by Councilmember Urdy

The motion, seconded by Councilmember Duncan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman, Urdy  
Not in Council Chamber when roll was called: Councilmember Mullen, Mayor Pro Tem Trevino

## TAX INCREMENT ZONES

Mayor McClellan introduced an item to Council concerning the feasibility of creating tax increment zone (s) in line with recently approved Texas Constitutional Amendment. She said, "I am certainly not rushing to do anything but I wanted Council to be well aware that if we don't act before January 1 then we will have to wait another year before we can take advantage of this tax increment technique. If Council should desire to consider tax increment zone (s), the number one item I would get the most excited about is the Waller Creek area. If you can draw a zone that is not too small for a project or have a project that is not too big for the zone you can do some very positive public ventures. In the Waller Creek area, just fixing the area around Symphony Square would cost \$8,000,000.00. To me, in tough bonding times, it is a technique that we ought to look at very carefully, very closely and there are any number of projects to be considered."

Mr. Albert DeLaRosa, Acting City Attorney, explained, "This act describes the method of financing which deals with increased property taxes which are generated from a particular reinvestment zone, which zone may be designated by the City Council after a public hearing. As a way of background, tax increment financing does not preempt the amount of property taxes currently derived from the reinvestment zone nor do they directly effect the amount of rate of ad valorem taxes levied in that particular zone. The result of the tax increment financing project is an increased tax base....." Mr. DeLaRosa recommended a work session be held so Council can develop the criteria to be used.

Mayor McClellan said there is a lot of procedure but it has to be done quickly if Council wants to do it. Mr. DeLaRosa said a public hearing must be held on the designation of the reinvestment zone and publication of the notice of the holding of the public hearing must be at least seven days prior to the hearing. Property owners in the area will be notified so they may give their viewpoints.

Council decided to put this on the Agenda for next week and in the meantime find out more detail.

## ELECTRICAL BOARD APPOINTMENT

Councilmember Goodman moved that the Council appoint the following members to the Electrical Board:

Earl Bloom - Master Electrician  
Ray Cleveland - Journeyman Electrician  
Thomas Walden - Electrical Engineer

The motion, seconded by Mayor McClellan, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Deuser, Duncan, Goodman,  
Mullen, Urdy

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Trevino

CDBG GRANT

Councilmember Duncan discussed the CDBG Grant. He said there are a lot of changes on the Federal level related to Community Development Block Grant Program. He said changes will be made to be sure the CDBG money goes to the moderate and low income people it was designed for. The proposed ordinance, he said, reinstates primarily the existing regulations on CDBG funds to insure that the money is targeted for low and moderate income people, that all the public participation process that is outlined in the CDBG funds are kept and to do this on a City level to assure that CDBG funds are used properly and since the funds may not be around much longer Councilmember Duncan said they want to assure funds left are used for the purpose they originally were designated. He proposed that an ordinance relating to CDBG be placed on the agenda after the Commissions have reviewed it. He suggested it be on the agenda the first week in January.

RAINEY STREET AREA

Councilmember Deuser discussed items relating to the Rainey Street area and asked that his item from Council concerning same be posted for next week with the same heading.

ADJOURNMENT

Council adjourned its meeting at 5:30 P.M.

APPROVED

  
Mayor

ATTEST:

  
City Clerk